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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,139	10/20/2003	Uwe Winkler	304-815	2784
30448	7590	11/02/2005	EXAMINER	
AKERMAN SENTERFITT			ELLINGTON, ALANDRA	
P.O. BOX 3188			ART UNIT	PAPER NUMBER
WEST PALM BEACH, FL 33402-3188			2855	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/689,139

Applicant(s)

WINKLER ET AL.

Examiner

Alandra Ellington

Art Unit

2855

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed on 8/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14-19, 21 and 25-44 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 16-19 and 21 is/are allowed.
- 6) ☒ Claim(s) 25-41 and 44 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 and 16 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)      |
| Paper No(s)/Mail Date <u>8/19/05</u> .   | 6) <input checked="" type="checkbox"/> Other: <u>Replacement drawing sheet</u> . |

## **Final Rejection**

### ***Claim Objections***

1. Claims 14 and 15 are objected to because both claims are dependent on cancelled claim 13. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-41 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al (hereinafter Chen) (5,313,840).

- a. With respect to Claim 25, Chen discloses a sensor element device for a capacitive contact switch, in which said sensor element device has a three-dimensional shape variable, elastic, compressible body, wherein said body is at least zonally electrically conductive, wherein said sensor element device has an electrical contact zone 12 for contact to a control and a sensor element surface 10, wherein said body extends from said electrical contact zone 12 to said sensor element surface 10 and has different areas, wherein one of said areas is a conductive area 10D,10E being electrically conductive throughout between said electrical contact zone 12 and said sensor element surface, and another of said areas is an insulating area 10C,12C not being electrically conductive, wherein

there is at least one said insulating area 10C,12C between several of said conductive areas 10D,10E (col. 2 lines 7-15,50-63 {Figs. 1,4,5}).

b. With respect to Claim 26, Chen discloses the sensor element device according to claim 25, wherein said sensor element surface 10 is formed by a surface of part of one of said conductive areas 10D,10E (col. 2 lines 52-63 {Figs. 1,5}).

c. With respect to Claim 27, Chen discloses the sensor element device according to claim 25, wherein said sensor element device engages with a cover 14, wherein said sensor element surface 10 is formed by a contact face between part of said conductive area 10D,10E and said cover 14 (col. 2 lines 8-31{Fig. 1}).

d. With respect to Claim 28, Chen discloses the sensor element device according to claim 25, wherein said conductive areas 10D,10E and said at least one insulating area 10C,12C are mechanically interconnected (col. 2 lines 19-31).

e. With respect to Claim 29, Chen discloses the sensor element device according to claim 25, wherein said conductive areas 10D,10E are in one piece ({Figs. 1,5}).

f. With respect to Claim 30, Chen discloses the sensor element device according to claim 25, wherein in an extension direction from said electrical contact zone 12 to said sensor element surface 10 said conductive areas

10D,10E run in roughly said same extension direction (col. 2 lines 52-57 {Figs. 1,5}).

g. With respect to Claim 31, Chen discloses the sensor element device according to claim 25, wherein all said areas 10C-E,12C of said sensor element including said insulating areas 10C,12C run in said same extension direction (col. 2 lines 7-9,50-63 {Figs. 1,5}).

h. With respect to Claim 32, Chen discloses the sensor element device according to claim 25, wherein said areas, considered in said extension direction, are elongated and have a longer extension in said extension direction than in another direction at right angles thereto ({Figs. 1-3,5}).

i. With respect to Claim 33, Chen discloses the sensor element device according to claim 25, wherein said body is made from a rubbery material (col. 2 lines 52-68, col. 3 line 1).

j. With respect to Claim 34, Chen discloses the sensor element device according to claim 25, wherein said rubbery material is made conductive with inclusions (col. 2 lines 52-68, col. 3 lines 1-14).

k. With respect to Claim 35, Chen discloses the sensor element device according to claim 25, wherein said body is part of a strand, an extension direction of said areas 10D,10E being perpendicular to a longitudinal direction of said strand ({Figs. 1,5}).

l. With respect to Claim 36, Chen discloses the sensor element device according to claim 25, wherein said strand in a basic state, in said longitudinal

direction, is linear and is bendable in a direction at right angles to an extension direction of said areas 10D,10E ({Figs. 1,5}).

m. With respect to Claim 37, Chen discloses the sensor element device according to claim 25, wherein said conductive areas 10D,10E are separated from one another in each direction (col. 2 lines 52-63 {Figs. 1,5}).

n. With respect to Claim 38, Chen discloses the sensor element device according to claim 25, wherein in a direct connection between two mutually closest of said conductive areas 10D,10E is provided an insulating area 10C,12C or an air gap ({Figs 1,5}).

o. With respect to Claim 39, Chen discloses the sensor element device according to claim 25, wherein said body is cuttable or separable to size at junction points of two said areas (col. 2 lines 19-36 {Figs. 1,5}).

p. With respect to Claim 40, Chen discloses the sensor element device according to claim 25, wherein said electrical contact zone 12 has contacts 12 and said contacts 12 at least have a mutual spacing of two said conductive areas 10D,10E ({Figs. 1,5}).

q. With respect to Claim 41, Chen discloses the sensor element device according to claim 25, wherein several of said conductive areas 10D,10E are located between two mutually closest contacts 12 ({Figs. 1,5}).

r. With respect to Claim 44, Chen discloses the sensor element device according to claim 25, wherein one if said conductive areas 10D,10E is

completely enveloped by one or more insulating areas 10C,12C in a lateral direction at right angles to its extension direction (col. 2 lines 52-63 {Figs. 3,4}).

***Allowable Subject Matter***

4. Claims 1-12, 16-19 and 21 allowed.
5. The following is an examiner's statement of reasons for allowance: The reasons for allowance are based on the inclusion of *an insulating area forming a dielectric between two conductive areas in such a way that transverse capacitances or capacitive connections are formed between the conductive areas*. This limitation in combination with other inventive features of the claim render these claims allowable.
6. Claims 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The reasons for the indication of allowable subject matter are based on the inclusion of:
  - a. In claim 42, *upwardly projecting contact pins pushing through the insulating coating in the conductive area in order to produce the electrical contact zone*.
  - b. In claim 43, *an insulating area forming a dielectric between two of the conductive areas in such a way that transverse capacitances or capacitive connections are formed between the conductive areas*.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-12, 14-19, 21 and 25-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,728,113) (4,399,321) (4,384,299)

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.



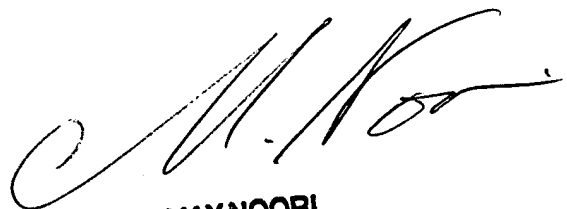
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13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington 10/31/05  
Art Unit 2855

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**MAX NOORI**  
**PRIMARY EXAMINER**

Replacement Sheet  
U.S. Patent Application No. 10/689,139

Approved by  
Examiner @  
10/31/05

